

ORDINANCE NO. 5270

AN ORDINANCE authorizing the owner of the property located at 2200 and 2200A Mill Road to construct and maintain encroachments for residential balcony overhangs into the public right-of ways on Dock Lane.

WHEREAS, Mill Road Block 20 LLC is the Owner ("Owner") of the property located at 2200 and 2200A Mill Road, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain residential balcony overhangs into the public right-of ways on Dock Lane which will encroach into the public right-of-way at this location; and

WHEREAS, the public rights-of-way at this location will not be significantly impaired by the encroachment; and

WHEREAS, in Encroachment No. 2017-0004 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on December 5, 2017, which recommendation was approved by the City Council at its public hearing on December 16, 2017; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public right-of-way on Dock Lane as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of residential balcony overhangs into the public right-of ways on Dock Lane, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

Property Damage: \$1,000,000 each occurrence
 \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owners shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachments, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

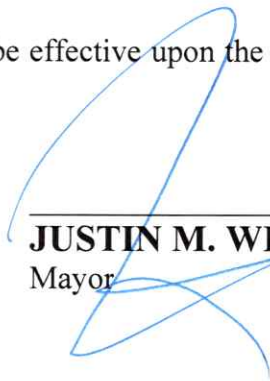
Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

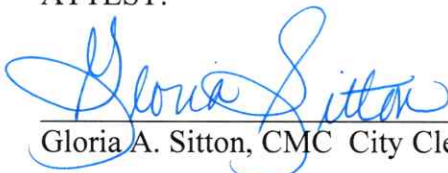
Section 8. The terms "Owner" shall be deemed to include Mill Road Block 20 LLC and its respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.



JUSTIN M. WILSON
Mayor

ATTEST:



Gloria A. Sitton, CMC City Clerk

Attachment: Encroachment plat

Final Passage: March 14, 2020

NOTES

1. OWNER OF TAX MAP NUMBER 078.02-01-18
MILL ROAD BLOCK 20 LLC
1415 NORTH TAFT STREET
SUITE 100
ARLINGTON, VA 22201
2. BOUNDARY INFORMATION SHOWN HEREON WAS DERIVED FROM AN ALTA/ACSM LAND TITLE
SURVEY, PREPARED BY URBAN, LTD., AND DATED NOVEMBER 16, 2016.

SURVEYOR'S CERTIFICATE

I, KEVIN P. O'CONNOR, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA,
DO HEREBY CERTIFY THAT THIS IS A PLAT SHOWING CREATION OF BALCONY ENCROACHMENT
AREA WITHIN THE PUBLIC RIGHT-OF-WAY OF DOCK LANE, AS RECORDED IN INSTRUMENT NUMBER
140002070, AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

I FURTHER CERTIFY THIS PROPERTY IS WITHIN THE BOUNDS OF THE ORIGINAL TRACT AND THAT
THE BEARINGS ARE CALCULATED TO VIRGINIA STATE GRID NORTH. GIVEN UNDER MY HAND
THIS DAY OF

KEVIN P. O'CONNOR LS #1967

DATE



CURVE DATA FOR BOUNDARY LINES

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C-1	207.93	342.00	34°50'08"	S 00°08'23" W	204.75	107.29
C-2	60.39	1567.00	2°12'30"	S 70°46'30" E	60.39	30.20

LINE DATA FOR
BALCONY ENCROACHMENT AREA

LINE	BEARING	DISTANCE
BL.1	N 25°34'04" E	2.82
BL.2	S 64°25'56" E	24.83
BL.3	S 25°34'04" W	2.82

VICINITY MAP

SCALE: 1" = 500'



APPROVED

SPECIAL USE PERMIT NO. 2017-0005

DEPARTMENT OF PLANNING & ZONING

DIRECTOR DATE
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES
SITE PLAN NO.

DIRECTOR DATE

CHAIRMAN, PLANNING COMMISSION DATE

DATE RECORDED

INSTRUMENT NO. DEED BOOK NO. PAGE NO.

ESI
PEER REVIEW

PLAT SHOWING
CREATION OF
BALCONY ENCROACHMENT AREA
WITHIN THE PUBLIC RIGHT-OF-WAY OF
DOCK LANE

INST. #140002070
CITY OF ALEXANDRIA, VIRGINIA
SCALE: N/A DATE: DECEMBER 31, 2019



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urban

Planners - Engineers - Landscape Architects - Land Surveyors



BALCONY ENCROACHMENT AREA
70 SF OR 0.0016 ACRES



SCALE: 1" = 40' DATE: DECEMBER 31, 2019



APPROVED		SPECIAL USE PERMIT NO. _____		2017-0005	
DEPARTMENT OF PLANNING & ZONING		DIRECTOR _____		DATE _____	
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES		DIRECTOR _____		DATE _____	
SITE PLAN NO. _____		CHAIRMAN, PLANNING COMMISSION _____		DATE RECORDED _____	
INSTRUMENT NO. _____		DEED BOOK NO. _____		PAGE NO. _____	